

Assembly Joint Resolution

No. 43

Introduced by Assembly Member Lara

July 2, 2012

Assembly Joint Resolution No. 43—Relative to a lesbian, gay, bisexual, transgender, and queer bill of rights.

LEGISLATIVE COUNSEL’S DIGEST

AJR 43, as introduced, Lara. Lesbian, gay, bisexual, transgender, and queer bill of rights.

This measure would make findings concerning discrimination against lesbian, gay, bisexual, transgender, and queer individuals, and would call upon Congress and the President of the United States to pass an American bill of rights that includes sexual orientation and gender identity in federal antidiscrimination law.

Fiscal committee: no.

1 WHEREAS, The United States was founded as a democratic
2 nation, and our country’s Declaration of Independence states that,
3 “All men are created equal”; and
4 WHEREAS, A central tenet of the law of the United States is
5 the principle of equal protection and nondiscrimination under the
6 law; and
7 WHEREAS, This promise of equality can be fulfilled through
8 actions by courageous individuals, organizations, and coalitions
9 who choose to stand up for their rights and the rights of others;
10 and
11 WHEREAS, Through successful movements and hard fought
12 struggles, under current law, the status of “race, color, sex, national

1 origin, and religion” is protected from discrimination by the United
2 States government under federal laws, including the Civil Rights
3 Act of 1964, the Equal Credit Opportunity Act, the Family and
4 Medical Leave Act, and the Fair Housing Act; and

5 WHEREAS, The lesbian, gay, bisexual, transgender, and queer
6 (LGBTQ) community is not included in these federal
7 antidiscrimination laws and as a result, in many parts of the
8 country, the LGBTQ community is left vulnerable and without
9 access to some of the most basic protections and benefits under
10 the law; and

11 WHEREAS, The Civil Rights Act of 1964 does not protect
12 persons on the basis of sexual orientation or gender identity,
13 therefore under that act, it can be lawful to refuse to hire or fire,
14 discriminate with respect to compensation, segregate, harass,
15 deprive of employment opportunities, or otherwise adversely affect
16 the status as an employee on the basis of sexual orientation or
17 gender identity; and

18 WHEREAS, The Equal Credit Opportunity Act does not protect
19 on the basis of sexual orientation or gender identity, therefore
20 under that act, it can be legal to consider sexual orientation and
21 gender identity when deciding whether to grant a loan or to impose
22 different terms and conditions of a loan, including higher interest
23 rates or higher fees; and

24 WHEREAS, The Family and Medical Leave Act does not protect
25 Persons on the basis of sexual orientation or gender identity,
26 therefore under that act, same-sex families can be excluded from
27 accessing an array of benefits, including, but not limited to, time
28 off for the birth of a child, or to care for an ailing spouse; and

29 WHEREAS, The Fair Housing Act does not protect persons on
30 the basis of sexual orientation or gender identity, therefore under
31 that act, it may be legal to refuse to rent or sell housing, falsely
32 deny that housing is available for sale or rent, or set different terms,
33 conditions, or privileges for sale or rental of a dwelling to those
34 in the LGBTQ community; and

35 WHEREAS, While there have been recent gains in federal
36 protections, temporary gains from executive orders, and piecemeal
37 protections in various states, nothing can match the safeguards,
38 symbolism, and promise of equality for all people like the inclusion
39 of “sexual orientation and gender identity” alongside “race, color,

1 sex, national origin, and religion” in these landmark federal
2 antidiscrimination acts; and

3 WHEREAS, As with any historical movement, it will take a
4 broad coalition of individuals, allies, and organizations who believe
5 in equality to advance this urgent call for justice; and

6 WHEREAS, Together, this coalition can strive to rebuke
7 homophobia and transphobia with the full force of official United
8 States government policy and the full enforcement power of the
9 United States Department of Justice; now, therefore, be it

10 *Resolved by the Assembly and the Senate of the State of*
11 *California, jointly*, That the Legislature calls upon Congress and
12 the President of the United States to pass a law, an American bill
13 of rights, to include “sexual orientation and gender identity” in all
14 laws of the United States created to end discrimination in this
15 country; and be it further

16 *Resolved*, That the Chief Clerk of the Assembly transmit copies
17 of this resolution to the President of the United States, to each
18 Senator and Representative in the Congress of the United States,
19 and to the presiding officer of each house of each state legislature
20 of the several states.